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LAW DEPARTMENT

NOTIFICATION

The 26th February 2009

No. 2993/I-Legis. 40/08—The following Ordinance promulgated by the Governor of Orissa on the 25th February, 2009 is hereby published for general information.

ORISSA ORDINANCE No. 1 OF 2009

THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT) ORDINANCE, 2009

AN

ORDINANCE

FURTHER TO AMEND THE ORISSA GOVERNMENT LAND SETTLEMENT ACT, 1962

WHEREAS the Legislature of the State of Orissa is not in session;

AND WHEREAS the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Orissa Government Land Settlement Act, 1962;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the sixtieth Year of the Republic of India :—

Short title. 1. This Ordinance may be called the Orissa Government Land Settlement (Amendment) Ordinance, 2009.

Amendment of section 3. 2. In the Orissa Government Land Settlement Act, 1962, in section 3,—

Orissa Act 33
of 1962.

(i) sub-section (2-a) shall be omitted ;

(ii) for sub-section (4) the following sub-section shall be substituted, namely :—

“(4) Notwithstanding anything to the contrary contained in the preceding sub-sections or in any law or any custom, practice or usage having the force of law —

- (a) any land of the category of Khasmahal, Nazul, Gramkantha Parambok or Abadi, wherever situated and used for any purpose, may, on application, be permanently settled with heritable and transferable right with the person who is in occupation of such land either on the basis of lease or otherwise for a period of at least three years prior to the appointed date, in such manner and subject to payment of such amount to the Government as may be prescribed;

Explanation :— The word ‘lease’ includes sub-lease or subsequent lease by the lessee or the sub-lessee, as the case may be.

- (b) if any person in occupation of the land as mentioned in clause (a) fails to apply under the provisions of the said clause within a period of six months from the date of commencement of the Orissa Government Land Settlement (Amendment) Ordinance, 2009 for settlement of such land he shall be summarily evicted in the manner prescribed and such land shall be resumed by the Government; and
- (c) the amount and rent payable to Government for such settlement through the Tahasildar concerned shall be recovered as arrear of land revenue, if the occupant fails to pay the same at the time of settlement.

Explanation :— For the purposes of this sub-section the expression “appointed date” shall mean the date of publication of the Orissa Government Land Settlement (Amendment) Ordinance, 2009 in the Official Gazette.”; and

- (iii) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) Government shall, from time to time, determine the maximum extent of land to be settled with any person under the provisions of this Act, for different purposes.”.

MURLIDHAR CHANDRAKANT BHANDARE

Dated the 25th February, 2009

GOVERNOR OF ORISSA

B. K. NAYAK

Principal Secretary to Government